



Appeal Decision

Site visit made on 29 April 2019

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/E1210/W/18/3218758

86 Pauntley Road, Mudeford, Christchurch BH23 3JW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Hawkins against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref 8/18/0683/OUT, dated 16 March 2018, was refused by notice dated 13 November 2018.
 - The development proposed is for the demolition of the existing dwelling and garage block and the erection of 4no. dwellings with associated access and parking.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling and garage block and the erection of 4no. dwellings with associated access and parking at 86 Pauntley Road, Mudeford, Christchurch BH23 3JW in accordance with the terms of the application, Ref 8/18/0683/OUT, dated 16 March 2018, subject to the conditions set out in the schedule to this decision notice.

Procedural Matters

2. The appeal is made in outline with landscaping matters reserved for future consideration. I have therefore assessed the drawings as merely illustrative insofar as they relate to the reserved matter.
3. The National Planning Policy Framework (the Framework) was revised in February 2019. However, the main parties submitted appeal documents after this, while the Framework's policies that are most relevant to this appeal have also not materially changed. Consequently, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.
4. On 1 April 2019, Christchurch Borough Council merged with Bournemouth Borough Council and Borough of Poole Council to become a Unitary Authority, Bournemouth, Christchurch and Poole (BCP) Council. Until such time as they are revoked or replaced, the development plans for the merged local planning authorities remain in place for the area which they relate to within the BCP authority. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved borough council.

Main Issues

5. The main issues are:

- The effect of the development on the character and appearance of the area and the setting of the Stanpit and Fishermans Bank Conservation Area;
- The effect of the development on the living conditions of adjoining occupiers;
- Whether the proposal would provide acceptable living conditions for future occupiers of the development, with particular regard to privacy and noise and disturbance; and
- The effect of the development on the Dorset Heathlands.

Reasons

Character and appearance

6. Forming a relatively large plot, the site contains a large detached garage to the rear of a substantial detached dwelling which is set back from the highway and situated within landscaped grounds. With a residential character, the surrounding area contains properties set out in a broadly linear pattern and with a variety of design, scales and forms, and includes detached single-storey and dormer bungalows and detached and semi-detached two-storey properties. The site is wider than surrounding plots and the existing property is situated in a more spacious environment and set further back than other properties on the same side of Pauntley Road. Amongst other aspects, the Council's Christchurch Borough-wide Character Assessment describes the area in which the site is located as consisting of an extensive area of mixed housing, with individual areas of consistent design styles but an overall mixed character. It identifies that the area, while not possessing any strong sense of place, is sensitive to additional residential development and piecemeal infill.
7. Abutting the Stanpit and Fishermans Bank Conservation Area (CA), the site faces a recreation ground which is within the CA. That space contains mature trees running along Pauntley Road and a pavilion building opposite the site. It is identified in the Council's adopted CA Appraisal¹ as an Important Public Green Space which is particularly sensitive to change. The vista shown in the document's Townscape Appraisal Map is on the opposite end of the recreation ground to the appeal site.
8. The development would result in the demolition of the chalet bungalow and garage and the erection of four detached dwellings. Although it is attractive and may have stood for some time, the Council does not object to demolition of the existing property. The two proposed dwellings fronting the highway, plots 1 and 2, would appear as two-storey buildings. However, their different sizes and ridge heights would serve to reflect the differing scale and mass of the adjoining properties at Nos 84 and 88 Pauntley Road. Although set further forward than the existing building, plots 1 and 2 would have a similar set-back from the highway as neighbouring properties. From the public realm, these dwellings would therefore not appear at odds with neighbouring built form.
9. The two rear properties, plots 3 and 4, would be dormer bungalows. However, given their modest scale and bulk, significant set-back from the site's frontage and positioning broadly behind the front two buildings, they would only be

¹Stanpit and Fishermans Bank Conservation Area Appraisal & Management Plan, Final draft May 2008.

visible in limited views from the public realm. Consequently, they would not be particularly obvious from the highway or the park opposite, and would not be significantly more noticeable than the existing garage.

10. The development would increase the amount of built form on the site. However, the Council considers that the density of the development would not be inappropriate. The site is also essentially a double width plot and the generous spacing to the properties on either side is not a characteristic of the area. With the locality generally involving tighter spacing between properties, the spacing and set-back of plots 1 and 2 would therefore broadly reflect the surrounding area. Although plots 3 and 4 would create a tandem development which is not common in the surrounding area, they would only be visible from the highway in relatively limited views. With parts of some Foxwood Avenue properties being visible from Pauntley Road, the two rear plots would also not appear from the public realm as a significant or particularly noticeable change.
11. The design and appearance of the four dwellings would not contrast significantly with the varied design found in the surrounding area. Although the plots and gardens would be relatively small, there would be sufficient space for soft landscaping. This would help to maintain the site's relatively spacious and verdant character and provide some screening. The development would therefore not appear significantly more prominent from the public realm than surrounding built form. The line of large, mature trees running along the park's frontage with Pauntley Road would also limit views of the development from the park and CA, while the positioning and modest scale of the development would mean that it would remain from the park as a background feature behind the pavilion, trees and road.
12. Consequently, the development would not appear incongruous or particularly cramped or cluttered in relation to surrounding built form. The character and appearance of the surrounding area would therefore not be harmed. Combined with limited views of the development from the CA, the appeal proposal would also preserve the character and appearance of the Stanpit and Fishermans Bank CA and its setting.
13. For the above reasons, I conclude that the proposal would not harm the character and appearance of the surrounding area or the setting of the Stanpit and Fishermans Bank CA. I therefore find that the proposal accords with Policies HE1 and HE2 of the Christchurch and East Dorset Local Plan, Part 1 - Core Strategy (CS) and Policies H12 and BE5 of the Borough of Christchurch Local Plan (LP). Amongst other aspects, these: seek to protect and enhance the significance of heritage assets and their settings; require the character or appearance of adjacent conservation areas to be preserved or enhanced; and require development of high quality which is compatible with its surroundings, reflects and enhances local distinctiveness, and is of an appropriate character, scale and design to the locality. These policies appear to be broadly consistent with the provisions in the Framework relating to achieving well designed places and conserving and enhancing the historic environment.

Living conditions of adjoining occupiers

14. The provision of four dwellings on the site would result in some additional comings and goings compared to the existing single dwelling. The new driveway would also introduce vehicular movements along the boundary with No 88 Pauntley Road. However, residential activity on the site and the number

of pedestrian and vehicular movements would not be significant given the limited scale of the development and in relation to existing activity in the built-up surroundings. I am therefore satisfied that the development would not result in an unacceptable increase in noise and disturbance.

15. The submitted floorplans indicate that the majority of upper-floor windows facing towards Nos 84 and 88 Pauntley Road would be rooflights which would serve non-habitable rooms. The principle view from the window serving bedroom 3 in plot 2 would also face towards the highway, with only a small side element of the window facing towards No 88.
16. Plots 3 and 4 would be in relatively close proximity to Nos 16 and 18 Foxwood Avenue, and both new dwellings would involve habitable windows facing towards the rear gardens and rear elevations of those properties. However, there would be a reasonable separation distance between the rear walls of the proposed dwellings and those properties. In addition to existing boundary treatment, there are also a number of trees and shrubs near the site's shared boundary at the rear, and No 18 has an outbuilding near to the boundary.
17. The proposed site plan indicates that additional planting would be provided, including along the boundaries with Nos 84 and 88 Pauntley Road and No 18 Foxwood Avenue. It seems to me that there would be sufficient space on the site for this. Other boundary treatment features, such as additional fencing or walls, could also be considered at reserved matters stage as necessary, including along the shared boundary with No 18. Accordingly, a condition requiring obscure glazing of the development's upper-floor windows other than that already shown on the plans would not be necessary. This is also a residential area with several dwellings located in relatively close proximity. As such, a certain degree of mutual overlooking would not be unusual. For these reasons, I am satisfied that the development would not result in an unacceptable level of overlooking to adjoining occupiers.
18. Although higher than surrounding bungalows, Plots 1 and 2 would have a similar spacing to other dwellings in the area and would be positioned to the side of neighbouring properties. Plots 3 and 4 would be dormer bungalows and located towards the rear of adjoining properties' gardens, which are relatively large. The development would therefore not appear particularly dominant or result in significant level of overshadowing or a loss of outlook, daylight and sunlight for adjoining occupiers.
19. For the above reasons, I conclude that the proposal would not harm the living conditions of adjoining occupiers. I therefore find that the proposal accords with CS Policy HE2 and LP Policy H12. Amongst other aspects, these seek to preserve residential amenity in relation to light, privacy and disturbance. These policies appear to be broadly consistent with the provisions in the Framework relating to achieving a high standard of amenity for existing users.

Living conditions of occupiers of the development

20. The four dwellings would be in relatively close proximity to one another, and the Council raises concerns about intra-site overlooking. However, boundary treatment and soft landscaping would avoid overlooking issues between ground-floor windows and gardens. As landscaping is a reserved matter, details would be provided at that point.

21. There is a reasonable distance between the facing rooflights serving bedrooms in plots 3 and 4, and those rooflights, as shown in the proposed site plan, would not be directly opposite each other. Imposing obscure glazing of those windows by condition would therefore be unnecessary.
22. The floor plans show plots 3 and 4 would have no first-floor windows facing plots 1 and 2. While this would present a rather blank appearance towards plots 1 and 2, the first-floor rear windows in those plots would be obscure glazed and it is not unusual for bungalows to only have ground-floor windows.
23. The driveway and turning areas serving plots 3 and 4 would be adjacent to the rear gardens of plots 1 and 2. However, boundary treatment and soft landscaping could separate these areas sufficiently. It is likely that noise and disturbance to plots 1 and 2 from use of the driveway and turning areas would also be relatively limited given that vehicle movements would only be associated with two modest sized dwellings.
24. For the above reasons, I conclude that the proposal would provide acceptable living conditions for future occupiers of the development, with particular regard to privacy and noise and disturbance. I therefore find that the proposal accords with CS Policy HE2 and LP Policy H12. Amongst other aspects, these seek to preserve the amenity of occupiers in relation to light, privacy and disturbance. These policies appear to be broadly consistent with the provisions in the Framework relating to achieving a high standard of amenity for future users.

Dorset Heathlands

25. The site is situated between 400 metres and 5km of the Dorset Heathlands Special Protection Area and Ramsar Site and the Dorset Heaths Special Area of Conservation. In combination with other residential development in the area, development would be likely to have a significant effect on these sites, and without mitigation it could not be ascertained that the integrity of the sites would not be adversely affected.
26. CS Policy ME2 states that development between 400 metres and 5km of the designated Dorset Heathland sites needs to provide mitigation through a range of measures which must be delivered in advance of the developments being occupied and must provide for mitigation in perpetuity, secured by way of a legal agreement. The Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (SPD) provides further detail, setting out the Council's approach to the mitigation of harmful effects on the designated sites. It requires all new residential development between 400 metres to 5km of the protected heathlands to be subject to a financial contribution towards mitigation measures in order to avoid adverse effects on the integrity of the designated sites.
27. The appellants have entered into a Unilateral Undertaking in order to secure the required financial contribution for Strategic Access Management and Monitoring (SAMM) to mitigate the development's effect on the designated sites. The Council has not raised any concerns with it and have carried out their own Appropriate Assessment which confirms that the development would not have an adverse effect on the designated sites. The Council has also confirmed that financial contributions for mitigation measures which are secured through legal agreements and the Community Infrastructure Levy (CIL), the latter of which cover necessary Heathland Infrastructure Projects (HIPs), are utilised as

set out in the Dorset Heathlands Planning Framework SPD and as evidenced in annual monitoring and delivery reports.

28. From the evidence before me, I am satisfied that the financial contributions arising from the Unilateral Agreement and the CIL would provide sufficient mitigation and that the mitigation would be secured and implemented in a proper and timely manner. I have also consulted Natural England. They confirmed that appropriately calculated HIP and SAMM contributions are sufficient to avoid an adverse impact to the integrity of the European Sites, that no additional measures are necessary, and that they have worked closely with the Council to ensure that appropriate and timely avoidance and mitigation measures are available and deliverable.
29. On this basis, I am able to ascertain, as the competent authority undertaking Appropriate Assessment, that the integrity of the Dorset Heathlands designated sites would not be adversely affected by the development. Consequently, I find that the proposal would accord with CS Policy ME2 and the Conservation of Habitats and Species Regulations 2017, and would be consistent with the Dorset Heathlands Planning Framework SPD.

Other Matters

30. I recognise neighbours' concerns regarding the pressures on local services, such as schools and health centres. However, I have little substantive evidence before me that local services would not be able to accommodate the occupiers of the development.
31. Demolition of the existing garage would remove the existing boundary treatment between the site and No 18 Foxwood Avenue. I acknowledge that loss of the garage wall may involve disruption to the occupiers of No 18, who may also decide to provide their own boundary treatment or additional screening to the site. However, with the application made in outline, the provision of appropriate boundary treatment and landscaping to replace the existing garage wall can be resolved at reserved matters stage.
32. Neighbours have raised concerns about insufficient parking on the site and the issues associated with additional parking demand and traffic generated by the development, including in relation to highway safety, parking pressure during events on the recreation ground and congestion. However, the highway authority has not objected and the Council indicates that on-site parking would be adequate. From the evidence before me, I am satisfied that sufficient parking would be provided and highway safety would not be harmed.
33. The Council included various informatives with its appeal statement. These informatives are available for the appellants to view and therefore it is not necessary to repeat them here. With each case determined on its own merits, allowing this development would not set a precedent.

Conditions

34. I have had regard to the various planning conditions that have been suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and to ensure that details are submitted to and considered by the Council where relevant.

35. I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty. The condition covering reserved matters is necessary to secure details of the outstanding reserved matter prior to the development proceeding.
36. As landscaping is a reserved matter, an additional landscaping condition is unnecessary. For the reasons set out above, a condition requiring obscure glazing of the development's upper-floor windows other than that already shown on the plans would be also unnecessary.
37. A condition covering details of external materials is required in order to maintain the character and appearance of the area. A condition removing certain permitted development rights is necessary and reasonable in order to protect the character and appearance of the area and the living conditions of adjoining occupiers. This condition, which PPG indicates should only be used in exceptional circumstances, is necessary and reasonable in this instance because of the site's constrained nature given its proximity to the conservation area and surrounding residential properties. A condition securing compliance with the recommended biodiversity mitigation plan measures is necessary to ensure wildlife is preserved and enhanced. A condition to ensure that the access, parking and turning areas are provided and retained is necessary in order to maintain highway safety. Due to the constrained nature of the site, the site access and proximity to residential properties, a construction management plan is also necessary. This pre-commencement condition has been agreed to by the appellant.

Conclusion

38. For the above reasons, the appeal is allowed.

Tobias Gethin

INSPECTOR

SCHEDULE OF CONDITIONS

- 1)
 - (a) Approval of the details of the Landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.
 - (b) An application for approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
 - (c) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the Reserved Matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, 1170/0 Rev A, 1170/02 Rev A, 1170/04 Rev B, 1170/05 Rev B, 1170/06 Rev A, 1170/07 Rev B, 1170/08 Rev B, 1170/09 Rev A, 1170/10 Rev A, 1170/11 Rev A, 1170/12 Rev A and 1170/13.

- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:
 - i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. storage of plant and materials used in constructing the development
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - v. wheel washing facilities
 - vi. measures to control the emission of dust and dirt during construction
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction worksThe approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) Before any above ground works commence, details of all external facing and roofing materials shall be submitted to and approved in writing by the Local Planning Authority. Upon submission of the details and until the written approval of the Local Planning Authority, samples of the materials to be used shall be made available to the Local Planning Authority to inspect on the application site. The development shall be carried out in accordance with the approved details.
- 5) Before first occupation of the development, the first 5 metres of the vehicle access, measured from the rear edge of the highway, must be laid out and constructed to a specification submitted to and approved in writing by the Local Planning Authority.
- 6) Before first occupation of the development, the turning and parking shown on drawing 1170/0 Rev A must have been constructed. Thereafter, these areas must be permanently retained and made available for use free from obstruction for the purposes of parking and turning.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to the dwellings and no outbuildings, garages or car ports shall be erected nor any hardstanding area extended without planning permission having first been granted on an application made for these purposes.
- 8) The development shall be carried out in accordance with the mitigation measures and recommendations of the Biodiversity Mitigation Plan (Version No. 2, dated 18/05/2018).

END OF SCHEDULE